PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JANUARY 28 , 19 92

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING January 28 , 19 92 IN Regular SESSION. PRESIDENT Thomas C. Henry IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY P ,	EDMONDS P ,	GiaQUINTA P ,
HENRY ,	LONG P ,	LUNSEY P ,
RAVINE P ,	SCHMIDT P ,	TALARICO P ,

ABSENT:

COUNCILMEMBER: , ,

, ,

THE MINUTES OF THE LAST REGULAR January 14 , 1992,

Reorganization , 19 ,
January 6, 1992
SPECIAL , 19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 28th day of January, 1992, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 3rd day of February, 1992.

Sandra E. Kennedy

City Clerk

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD ~ CLASS COMMUNITY

Paul Helmke
Mayor

January 6, 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated right-of-way.

The proposed ordinance is designated as:

Bill No. G-91-04-18

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
6th day of January 1992.

Robert Hutner
Secretary

/pb

CC: File

337-M

RECYCLED

FACT SHEET

G-91-04-18
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Two alleys located on the west side of Dubois Street, north of Wayne Trace.

Reason for Project

Expansion and renovation of existing Tokheim facilities.

Discussion (Including relationship to other Council actions)

15 April 1991 - Public Hearing

(See Attached Minutes of Meeting)

22 April 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner satisfying the following conditions:

1) Petitioners must provide for utility relocations and easements as needed.
2) Petitioners must dedicate an east-west alley along the south property line of Lot 17, such dedication and improvement (if required) must meet the requirements of the Street Engineering Department, and provide a connection between the north-south alley and this new east-west alley. (An alternative would be to vacate the north-south alley from its point of intersection with the existing east-west alley immediately south of Lot 9),
3) Petitioners must submit a revised legal description, as a portion of the petitioned

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Tokheim Corporation City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

north-south alley would need to remain to provide a connection to the new east-west alley.

Of the nine (9) members present, eight (8) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 14 March 1991

Projected Completion or Occupancy **Date** 6 January 1992

Fact Sheet Prepared by **Date** 6 January 1992

Patricia Biancaniello

Reviewed by **Date** 10 JANUARY 1992

Reference or Case Number

Bill No. G-91-04-16 - Vacation Petition #470
Warren Street north of Reynolds Street and the west 47.67 feet of Alden Avenue.

c. Bill No. G-91-04-18 - Vacation Petition #471
Both alleys located on the west side of Dubois Street north of Wayne Trace.

3. Public Hearing on Zoning Map Amendments

a. Bill No. Z-91-04-14 - Change of Zone #469
From R-2 to M-2
The 2200 Block of Reynolds Street on the north side and the first lot east of Warren Street.

Larry Shine, attorney for the petitioners Tokheim Corporation appeared before the Commission. Mr. Shine stated that he was there for the following three petitions: Bill No. G-91-04-16, Bill No. G-91-04-18 and Bill No. Z-91-04-14. Mr. Shine stated that the two vacations along with the rezoning are part of the Tokheim expansion. Mr. Shine stated that with regard to the rezoning it is for the purpose of extending the parking lot. He stated that some of it is being used for parking and they are using this opportunity to ask for M-2 zoning to make the use consistent with the zoning designation. He stated that with regard to the Warren & Alden Street vacation request there is a condition from the staff to dedicate right-of-way for a cul-de-sac at the west end of Alden. He stated that staff is requesting it because Alden Avenue is currently being used to access other properties. Mr. Shine stated that they would respectfully ask the Commission to eliminate the condition requiring a cul-de-sac for the following reasons. He stated that this part of Alden is not used by any of the property owners who's homes are located on Reynolds Street for driveway purposes. He stated that their drives all go out onto Reynolds Street. He stated that there are no drives or ingress/egress from the back of the properties onto Alden. He stated that the portion of Alden that they want to vacate is unimproved and no more than a pathway used by a pickup truck to pick up trash for four homes. He stated that the truck currently drives in and backs out onto the next street. He stated that if they created a cul-de-sac it would be used only by one vehicle. He stated that they are trying to maximize the project land with landscaping and buffering at this end of Alden Street. He stated that the other vacation petition which is a portion of two alleys is similar. He stated that the only property affected by this vacation would be the Angle Inn Tavern. He stated that they use Lot 9 for a parking lot. He stated that Street Engineering has asked for them to create a easement for an alley so as not to create a dead end. He stated that they feel the request by Street Engineering is larger than necessary. He stated that they would only be accommodating ingress/egress for one home on Lot #8. He stated that this home on Lot #8 has the garbage picked up in the alley but the garbage truck does not use the alleys that they want to vacate for access. The garbage

truck uses the parking lot for the Angle Inn to turn around. He stated that instead of using part of the vacated property to dedicate a new alley they want to be able to come all the way out on the end of Lot 7 in order to complete their buffering and landscaping.

Dan Platter, President of East Side Neighborhood Association appeared before the Commission. Mr. Platter stated that he wanted to talk about the vacation of Warren & Alden. He stated that they have had trouble in the past with dumping in the area and they feel that the vacation and fencing of the property will be a solution to that problem. He stated that with regard to the vacation of the two other alleys they feel that the landscaping and buffering will be an improvement for the area. He stated that with respect to the rezoning, they (Tokheim) already use a portion of the area for parking and they feel the rezoning and using of the property for a parking lot is consistent.

John Angle owner of the Angle Inn appeared before the Commission. Mr. Angle stated that he was not against the vacation of the two alleys as long as they did not vacate beyond Lot #8. He stated that he felt that the landscaping that Tokheim was doing was an asset to the area. Mr. Angle stated that he wanted to be sure that there would be no drainage from the Tokheim property onto his property.

Evelyn Floyd appeared before the Commission. Ms. Floyd stated that she was concerned with the condition of Reynolds Street and whether Tokheim would be installing new curbs and sidewalks.

In rebuttal, Mr. Shine stated that with regard to the condition of the street and sidewalk on Reynolds he stated that it is not part of their project to upgrade them. He stated that they are interested in the maintenance and upkeep of the entire neighborhood. He stated that they would be happy to participate in any conversations with the city about improving the streets and sidewalks.

Mr. Keith Lasure, Manager of Manufacturing with Tokheim Corporation, stated that with regard to the Angle Inn the plans have been checked and revised as far as water drainage and there should be no drainage problems for the Angle Inn property. If there were any problems they were encouraged to contact Tokheim and they would be happy to see what they could do.

Mr. Shine stated that they have worked with Tom Cain the Landscape Architect for the city and are doing a comprehensive landscape plan for this project.

Mr. Lasure stated that they have been coordinating their efforts with Tom Cain and the City Planning Department and they are pleased with the results. He stated that they do have in the plan approximately 200 pine trees and spruce trees that will be

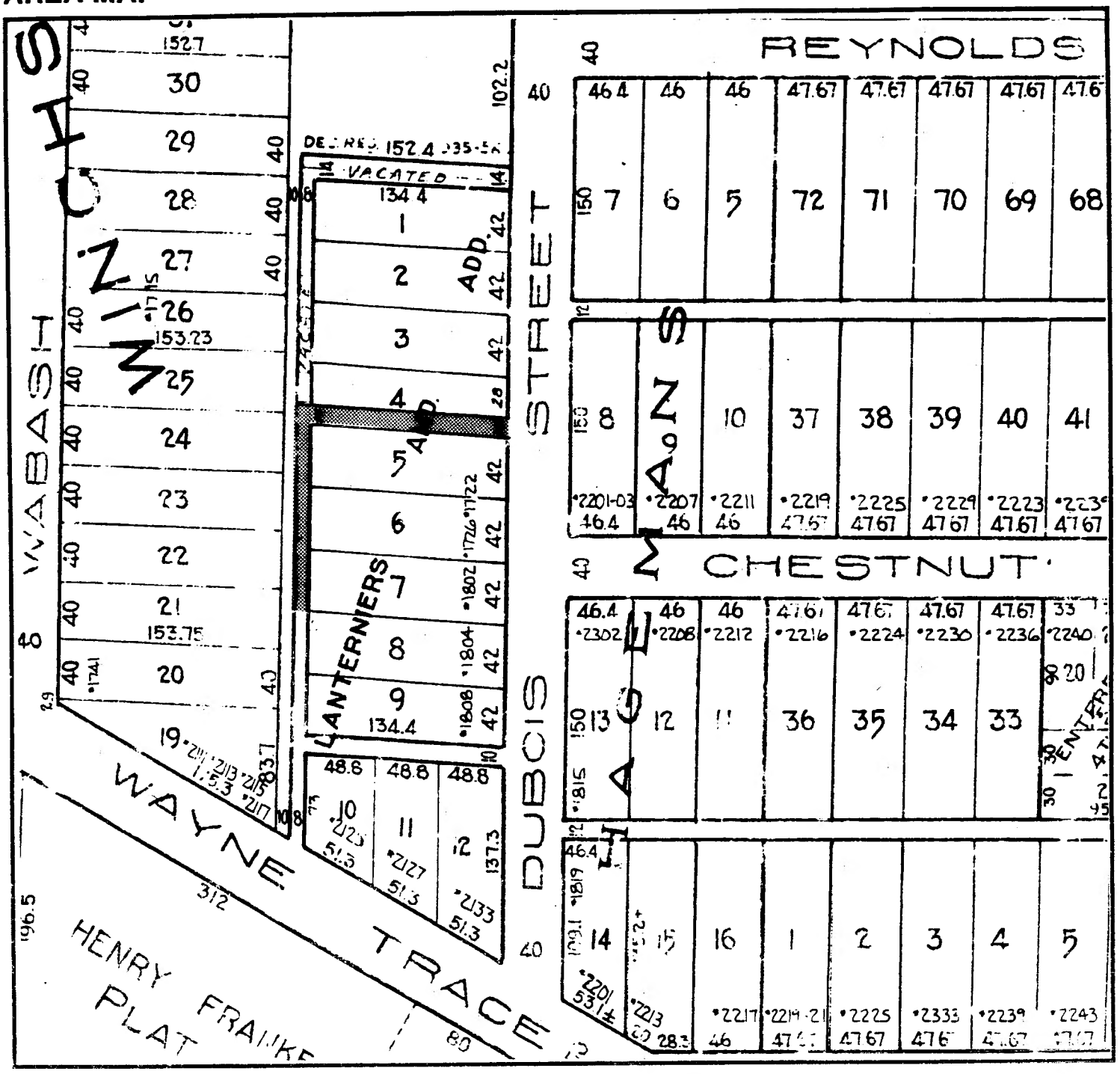
going into the area along with that approximately 50 types of a leaf variety.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacations and rezoning.

VACATION PETITION

AREA MAP

CASE NO. #471



COUNCILMANIC DISTRICT NO. 1

Map No. P-2
LW 3-21-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**IA**	Interchange Access
PUD	Planned Unit Dev.	**POD**	Professional Office District	**MHP**	Mobile Home Park

Lawrence E. Shine, attorney for Tokheim Corporation, requests the vacation of portions of a public right-of-way.

Location:	Both alleys are located on the west side of Dubois Street, north of Wayne Trace.		
Legal:	See file		
Land Area:	Approximately 0.07 acres		
Zoning:	Does not apply		
Surroundings:	North	M-2	Tokheim
	South	M-2	Tokheim & residential
	East	M-2/R-2	Residential
	West	M-2	Tokheim
Reason for Request:	Expansion and renovation of existing facilities.		
Neighborhood Assoc.:	None		
Comprehensive Plan:	No comment.		
Neighborhood Plan:	While this petition falls within a neighborhood adjacent to our Memorial Park Neighborhood Strategy Area, the neighborhood planning staff has no comment.		
Landscape:	No comment.		

Planning Staff Discussion:

The petitioners state that they are the only owners of properties bordering the alleys. They do not believe that the portions of alleyway that they are requesting be vacated are necessary to any ingress or egress concern, nor are they needed for the continued growth of the city.

After field inspection of the site, the staff agrees with the petitioners. The requested vacation would not negatively impact any property owner in the area, nor is it needed for continued growth.

We do note however that approval would create a dead-end right-of-way which is not in the best interests of the City of Fort Wayne. We would suggest that the petitioners should be required to vacate this north/south right-of-way from the south property line of lot #9 north, or should provide a dedicated alley along the south property line of lot #7.

Recommendation: Conditional Approval, contingent upon the following:

1) All abutting property owners must be party to the petition. Records in the Wayne Township Assessors Office indicate that a Mr. & Mrs. James Williams own lots 6 & 7 of Lanterniers Amd. Addition.

2) Petitioners must provide for utility relocations or easements as needed.

3) Petitioners must dedicate an east-west alley along the south property line of lot #7, such dedication and improvement (if required) must meet the requirements of the Street Engineering Department, and provide a connection between the north-south alley and this new east-west alley. (An alternative would be to vacate the north/south alley from its point of intersection with the existing east-west alley immediately south of lot #9).

4) Petitioners must submit a revised legal description, as a portion of the petitioned north-south alley would need to remain to provide a connection to the new east-west alley.

RESOLUTION 79-180-10

WHEREAS, TOKHEIN CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

> The east-west alley bounded to the north by the south property line of Lot No. 4 in Lanternier's Amended Addition and bounded to the south by the north property line of Lot No. 5 in Lanternier's Amended Addition. Commencing at the Southwest corner of Lot no. 4 in Lanternier's Amended Addition; thence Southerly 140 feet to the Southwest corner of Lot No. 7 in Lanternier's Amended Addition; thence Westerly 8 feet; thence Northerly 140 feet; thence Easterly 8 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held JANUARY 8, 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 8 DAY OF January 1992

FORT WAYNE BOARD OF ~~PUBLIC WORKS~~

~~Charles E. Layton~~
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, TOKHEIN CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

> The east-west alley bounded to the north by the south property line of Lot No. 4 in Lanternier's Amended Addition and bounded to the south by the north property line of Lot No. 5 in Lanternier's Amended Addition. Commencing at the Southwest corner of Lot no. 4 in Lanternier's Amended Addition; thence Southerly 140 feet to the Southwest corner of Lot No. 7 in Lanternier's Amended Addition; thence Westerly 8 feet; thence Northerly 140 feet; thence Easterly 8 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on April 15, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-way.

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held April 22, 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6th DAY OF JANUARY 1992

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

January 3, 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a utility easement.

The proposed ordinance is designated as:

Bill No. G-91-12-24

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of January 1992.

Robert Hutner
Secretary

/pb

CC: File

337-M

RECYCLED

FACT SHEET

G-91-12-24
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

A utility easement East of Red Haw Drive and South of Holland School.

Reason for Project

Construction of a new city Fire Station.

Discussion (Including relationship to other Council actions)

16 December 1991 - Public Hearing

Wayne O'Brien, Planner II with Community and Economic Development stated that a representative from the Fire Department was unable to attend the meeting. He stated that this vacation was being requested in order to facilitate the construction of a new fire station. He stated that they are proposing to construct the building so that it would extend over at least part of the existing easement. He stated that the recommendation from the staff has been for conditional approval, contingent upon the relocation or grant of easement for utilities that might be affected by the vacation.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City of Fort Wayne City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

23 December 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing for replacement utility easements or relocations as necessary.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote. Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 21 November 1991

Projected Completion or Occupancy **Date** 3 January 1992

Fact Sheet Prepared by **Date** 3 January 1992

Patricia Biancaniello

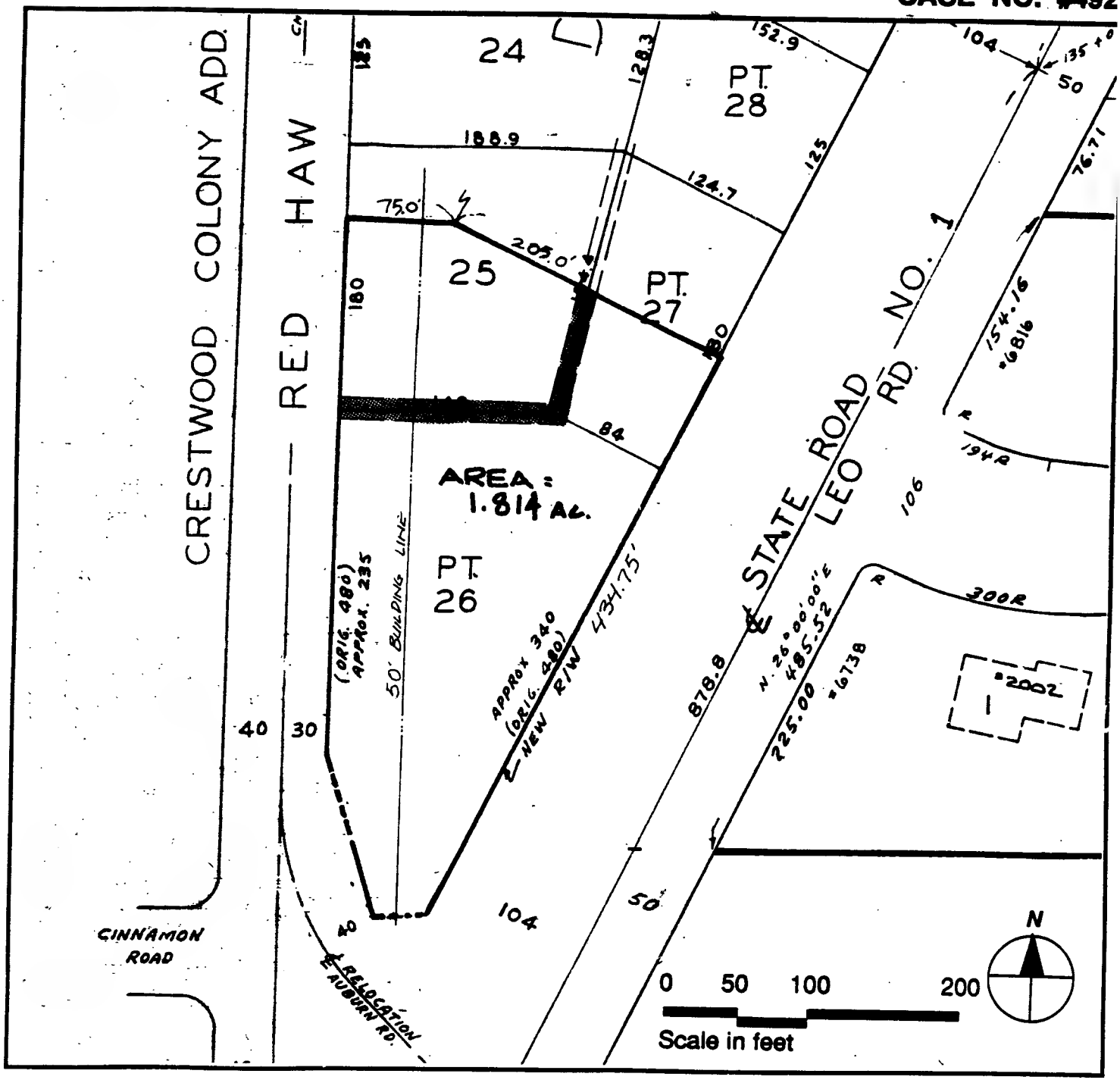
Reviewed by **Date** 10 JANUARY 1992

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #492



COUNCILMANIC DISTRICT NO. **3**

Map No. P-42
LW 11-18-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

Steve Hinton, agent for the Fort Wayne Fire Department requests the vacation of an easement.

Location:	East of Red Haw Drive, south of Holland School.		
Legal:	See file		
Land Area:	Approximately 0.02 acres		
Zoning:	R-1		
Surroundings:	North	R-1	School
	South	R-1	Open
	East	R-1/RA	Residential
	West	R-1	Residential

Reason for Request: A new Fire Station

Neighborhood Assoc.: Crestwood Colony

Planning Staff Discussion:

This easement was apparently dedicated when the ground was originally platted in order to provide for future development in the area. Since that time, we believe that a number of changes have occurred in the area. The property to the immediate north has been developed as a school site, and it appears that major portions of ground were acquired for right-of-way purposes (Clinton Street). These changes have altered the need for easement as originally platted.

The Fire Department is proposing the construction of a new fire station at this location. The existing easement would hinder the possible placement of the building on the site. It is clearly in the best interests of the community to provide this facility with the best possible site development.

Recommendation: Conditional Approval, contingent upon the petitioner providing for utility easements or relocations as necessary, and for the following reason:

1) Approval will not effect existing or future growth of the area.

2) Proper location of the facility on the site will potentially enhance response time, and provide for a needed public safety improvement.

RESOLUTION 79-181-4

WHEREAS, the CITY OF FORT WAYNE has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

> Part of Lots Numbered 25, 26 & 27 in DeLong's Addition (Plat Book 25 page 88 in the Office of the Recorder of Allen County IN) more particularly described as follows: A fourteen foot easement the centerline of which begins at the southwest corner of said Lot No. 25 in DeLong's Addition; thence easterly along the south line of said Lot No. 25 to the southeasterly corner of Lot No. 25; thence northerly along the easterly line of said Lot No. 25 to the northerly line of a 1.814 acre tract of land now owned by the City of Fort Wayne.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held January 8, 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 8 DAY OF Jan. 1992

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, the CITY OF FORT WAYNE has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

> Part of Lots Numbered 25, 26 & 27 in DeLong's Addition (Plat Book 25 page 88 in the Office of the Recorder of Allen County IN) more particularly described as follows: A fourteen foot easement the centerline of which begins at the southwest corner of said Lot No. 25 in DeLong's Addition; thence easterly along the south line of said Lot No. 25 to the southeasterly corner of Lot No. 25; thence northerly along the easterly line of said Lot No. 25 to the northerly line of a 1.814 acre tract of land now owned by the City of Fort Wayne.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on December 16, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held December 23, 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS_____DAY OF _____1992

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary